

5 Planning and Energy Policy

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5 Planning and Energy Policy

5.1 Introduction

- 5.1.1 This chapter considers the legislative and policy context against which the Proposed Development will be assessed and determined by The Highland Council (THC). The chapter considers energy and planning policy at national and local level, as well as the international and European policy and legislative context of relevance to the Proposed Development. The chapter also identifies other matters that will be material for consideration by THC.
- 5.1.2 Planning permission for the Proposed Development is being sought through an application to THC for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) (Scottish Government, 1997).
- 5.1.3 This chapter does not assess the accordance of the Proposed Development against planning policy; instead a separate Planning Statement has been prepared to support the application and should be referred to for a detailed planning policy appraisal.

5.2 Legislation

Town and Country Planning (Scotland) Act 1997

- 5.2.1 Primary planning legislation in Scotland is the Town and Country Planning Act (Scotland) 1997 (The Planning 1997 Act) as amended by The Planning etc. (Scotland) Act 2006 (Scottish Government, 2006) and the Planning (Scotland) Act 2019 (Scottish Government, 2019a).

- 5.2.2 Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 state:

“Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise” (Section 25).

“In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations” (Section 37).

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

- 5.2.3 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) (Scottish Government, 2017a) require that all planning applications considered likely to have significant effects on the environment must be subject to an Environmental Impact Assessment (EIA) and the applicant must submit an EIA Report.
- 5.2.4 Schedule 1 of the EIA Regulations lists types of development for which EIA is mandatory, whilst Schedule 2 highlights the types of development for which the need for EIA is judged on a case-by-case basis.
- 5.2.5 The Proposed Development is included in Schedule 2 of the EIA Regulations as it is for the installation for the harnessing of wind power for energy production (wind farms) where the development involves the installation of more than two turbines and the hub height of any turbine or height of any other structure exceeds 15 metres. The Applicant has volunteered to undertake an EIA rather than seek a screening opinion.

5.3 Development Plan

Current Development Plan

- 5.3.1 The Proposed Development lies within THC administrative boundary therefore the current Development Plan for the area comprises the Highland-wide Local Development Plan (adopted 2012) (HwLDP) (The Highland Council, 2012) and the Caithness and Sutherland Local Development Plan (adopted 2018) (CaSPlan) (The Highland Council, 2018a). Onshore Wind Supplementary Guidance (adopted 2016) also forms part of the Development Plan (The Highland Council, 2016). The Onshore Wind Energy Supplementary Guidance contains an Addendum Supplementary Guidance 'Part 2b' (December 2017). Part 2b contains two landscape sensitivity appraisals for Black Isle, Surrounding Hills and Moray Firth Coast and Caithness. The site is situated within the Sutherland and Ross-shire study area, which is not yet covered by a landscape sensitivity appraisal.. The work on the draft appraisal for this study area was placed on hold due to the THC's other work priorities. THC are intending to pick up on the appraisal work in the latter part of 2020, however have advised that realistically, it may be late winter or into spring, 2021, before the appraisal is published.
- 5.3.2 It can be noted from the outset that CaSPlan contains no policies of relevance to the Proposed Development and that the HwLDP is more than five years old, a matter of relevance to the application of the Scottish Planning Policy (SPP) presumption in favour of development that contributes to sustainable development, which is discussed later in the chapter.

Emerging Local Development Plan

- 5.3.3 THC commenced the process of preparing a replacement HwLDP in 2015 with the publication of the Main Issues Report. THC published an updated Development Plan Scheme in June 2020 setting out the route for the replacement HwLDP, however, they have advised that the timescales for preparing the new Local Development Plan (LDP) are still under review and will be confirmed once more is known about the scope of new national planning policies in NPF4. Due to the current Covid pandemic, production of NPF4 has been delayed and the Scottish Government currently anticipates that NPF4 may be adopted in Spring/Summer 2022. Based upon this timeframe, the current HwLDP is likely to be the relevant LDP in Highland for wind farm applications for some time yet.

5.4 Review of Development Plan Policy

Highland-Wide Local Development Plan 2012

- 5.4.1 This section identifies HwLDP policies which may be potentially relevant in the determination of the application for the Proposed Development. The main renewable energy policy in the HwLDP is Policy 67 and the focus of the discussion in the accompanying Planning Statement is on this policy, which covers a wide range of issues that are also the subject of standalone subject-specific policies. To avoid unnecessary duplication, standalone subject-specific policies are not subject to detailed discussion in the Planning Statement, where the topic of relevance has already been considered in the commentary on Policy 67. These policies are, however, noted in the following section for context.
- 5.4.2 Table 5.1 below identifies potentially relevant HwLDP policies which are listed numerically.

Table 5.1 – Potentially Relevant HwLDP Policy Numbers and Names

<i>Policy Number</i>	<i>Policy Name</i>	<i>HwLDP Policy Page</i>
31	Developer Contributions	82
52	Principle of Development in Woodland	102
55	Peat and Soils	105
56	Travel	107
57	Natural, Built and Cultural Heritage	111
58	Protected Species	113
59	Other Important Species	114
60	Other Important Habitats and Article 10 Features	114
61	Landscape	115
63	Water Environment	116
67	Renewable Energy Developments	123
72	Pollution	129
77	Public Access	135

5.4.3 The above HwLDP policies are discussed further below. Policies are arranged by topic and reflect chapter divisions within the EIA Report where possible.

Renewable Energy

5.4.4 As Policy 67 is the most relevant HwLDP policy for the Proposed Development, the body of the applicable part of the text of this policy is set out in full below.

5.4.5 Policy 67 states:

“Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation. The Council will also consider:

- *the contribution of the proposed development towards meeting renewable energy generation targets;*
- *any positive or negative effects it is likely to have on the local and national economy; and*
- *will assess proposals against other policies of the development plan, the Highland Renewable Energy Strategy and Planning Guidelines and have regard to any other material considerations, including proposals able to demonstrate significant benefits including by making effective use of existing and proposed infrastructure or facilities.*

Subject to balancing with these considerations and taking into account any mitigation measures to be included the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments, having regard in particular to any significant effects on the following:

- *natural, built and cultural heritage features;*
- *species and habitats;*
- *visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- *amenity at sensitive locations, including residential properties, workplaces and recognised visitor sites (in or outwith a settlement boundary);*
- *the safety and amenity of any regularly occupied buildings and the grounds that they occupy - having regard to visual intrusion or the likely effect of noise generation and, in the case of wind energy proposals, ice throw in winter conditions, shadow flicker or shadow throw;*
- *ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- *other communications installations or the quality of radio or TV reception;*
- *the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- *tourism and recreation interests; and*
- *land and water-based traffic and transport interests.*

Proposals for the extension of existing renewable energy facilities will be assessed against the same criteria and material considerations as apply to proposals for new facilities.

In all cases, if consent is granted, the Council will approve appropriate conditions (along with a legal agreement/obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, as amended, where necessary), relating to the removal of the development and associated equipment and to the restoration of the site, whenever the consent expires, other than in circumstances where fresh consent has been secured to extend the life of the project, or the project ceases to operate for a specific period”.

Landscape and Woodland

- 5.4.6 Policy 52 sets a strong presumption in favour of protecting woodland resources and confirms that where woodland removal is proposed as part of a development proposal, compensatory planting will usually be required. The Policy also states that development proposals in woodland areas will only be supported where they offer clear and significant public benefit. All proposals will be assessed against the Scottish Government’s Policy on the Control of Woodland Removal.
- 5.4.7 Policy 61 states that proposed developments should be designed to reflect the characteristics and special qualities recognised in the Landscape Character Assessment of the area in which they are proposed. The Council will consider the scale, form, pattern and construction materials and the cumulative impacts of the development.

- 5.4.8 In the assessment of new developments, the Council will take account of Landscape Character Assessments, Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.

Hydrology, Hydrogeology, Geology and Soils

- 5.4.9 Policy 55 requires development proposals to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.
- 5.4.10 Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.
- 5.4.11 Policy 63 states that the Council will support proposals for developments that *“do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland’s water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints”*.

Pollution

- 5.4.12 Policy 72 states that proposals that may result in significant pollution such as noise, air, water and light will only be approved where a detailed assessment report on the levels, character and transmission is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Ecology and Ornithology

- 5.4.13 Policy 58 sets out guidance for sites where protected species could be present. This guidance states that a survey must be carried out to establish if there are any protected species on the site and if protected species are identified, the survey must set out a mitigation plan. Policy 58 then states that where there is an adverse impact on protected species the development will only be permitted in certain circumstances which are outlined within the policy.
- 5.4.14 Policy 59 states that the Council will have regard to the presence of and any adverse effects of development proposals on the Other Important Species in Annexes II and V of the EC Habitats Directive, priority species listed in the UK and Local Biodiversity Action Plans and species included on the Scottish Biodiversity List.
- 5.4.15 Policy 60 states that the Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat ‘stepping stones’ for the movement of wild fauna and flora (Article 10 Features).
- 5.4.16 Policy 60 continues and states that the Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural watercourses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:
- habitats listed in Annex I of the EC Habitats Directive;
 - habitats of priority and protected bird species;
 - priority habitats listed in the UK and Local Biodiversity Action Plans; and
 - habitats included on the Scottish Biodiversity List.

Natural, Built and Cultural Heritage

- 5.4.17 Policy 57 states that all development proposals will be considered, taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting.

- 5.4.18 Policy 57 then states that for features of local/regional importance, THC will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource. For features of national importance, THC will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. For features of international importance, developments likely to have a significant effect on a site, either alone or in combination with other plans or projects will be subject to an appropriate assessment.

Access, Traffic and Transport

- 5.4.19 Policy 56 states that development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development.
- 5.4.20 Policy 77 states that where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then the Council will require the proposal to retain the existing path or water point while maintaining or enhancing its amenity value or ensure alternative access provision. For major developments an Access Plan will be required.

Caithness and Sutherland Local Development Plan 2018

- 5.4.21 On 31 August 2018 CaSPlan was formally adopted by the Council and constituted as part of the Development Plan. The main part of the CaSPlan is the Vision, the Strategy and Policies followed by details for the Caithness Settlements and the Sutherland Settlements.
- 5.4.22 The main spatial elements of the strategy are as follows: Growing Communities, Employment, Connectivity and Transport and Environment and Heritage.
- 5.4.23 Of relevance to the Proposed Development, the strategy outcome for Employment is as follows: *“a strong, diverse and sustainable economy characterised as being an internationally renowned centre for renewable energy...”*.
- 5.4.24 The strategy for employment then states that investment in renewable energy generation in North Highland is not only helping to meet Council and national climate change targets but it has also delivered economic benefits for the area.
- 5.4.25 The outcome for Environment and Heritage is as follows: *“high quality places where the outstanding environment and natural built and cultural heritage is celebrated, and valued assets are safeguarded”*. The strategy then sets out guidance on Conservation Areas, Green Networks and Green Space, Special Landscape Areas and Climate Change.
- 5.4.26 The guidance on Climate Change states that the Council is committed to working with communities, businesses and partners to mitigate our impact on climate change by reducing greenhouse gas emissions, maximising renewable energy contributions, taking steps to adapt to the unavoidable impacts of a changing climate and to working with communities to respond to climate change. This commitment is reflected in the Council-led Carbon CLEVER initiative which aims for a *“carbon neutral Inverness in a low carbon Highlands”* by 2025. It then states that the area has a substantial renewable energy resource, with onshore wind and hydro energy sectors well established.
- 5.4.27 There are no general policies of relevance to the Proposed Development.

5.5 Supplementary Guidance

- 5.5.1 In addition to the HwLDP policies, there are a number of Supplementary Guidance (SG) documents that are adopted as part of the HwLDP and carry the same weight as the HwLDP policies in the decision-making process. Some of these SG documents are relevant to the Proposed Development and are listed below.

Onshore Wind Energy Supplementary Guidance 2016

5.5.2 The Onshore Wind Energy SG was adopted in November 2016 and therefore forms part of the Development Plan. The SG sets out a range of matters that the Council will consider when determining wind farm applications including landscape, aviation interests, roads, peat, and tourism. The SG contains a spatial framework for onshore wind energy development that applies to all wind energy development proposals. Figure 5.1 shows the location of the site relative to the Spatial Framework. As can be seen, the entire site is situated within a Group 2 area which is discussed further in the following commentary on SPP.

5.5.3 As discussed in paragraph 5.3.1, THC are in the process of identifying strategic landscape capacity for wind energy across study areas within the THC administrative area. Coverage across THC area is not complete. The Onshore Wind Energy SG contains an Addendum SG 'Part 2b' (December 2017) comprising two landscape sensitivity appraisals for Black Isle, Surrounding Hills and Moray Firth Coast and Caithness. The site is situated within the Sutherland and Ross-shire study area. A draft appraisal for this study area is being prepared, following the methodology and format of those studies already adopted. This has not been published yet.

Trees, Woodland and Development 2013

5.5.4 This Supplementary Guidance reflects the policy advice given in HwLDP Policies 51 and 52 (Highland Council, 2013a). It notes that wind farms are one of the most significant causes of woodland removal in Scotland and that woodland felling, including cumulative impacts, will be considered by the Council when assessing wind farm applications. It notes that a balance needs to be struck between generating increasing levels of renewable electricity while also increasing forest cover.

Highland Historic Environment Strategy 2013

5.5.5 The Highland Historic Environment Strategy was adopted in January 2013 (The Highland Council, 2013b) and has been prepared as SG to the HwLDP, specifically Policy 57. The main principle of this SG is to ensure that future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits.

Highland Statutorily Protected Species Supplementary Guidance 2013

5.5.6 The Highland Statutorily Protected Species SG was adopted in March 2013 (The Highland Council, 2013c). The guidance reflects the policy advice given in SPP, and supplements Policy 58 of the HwLDP.

Developer Contributions Supplementary Guidance 2018

5.5.7 The Developer Contributions SG was adopted in November 2018 (The Highland Council, 2018b) and sets out the Council's proposed approach to determining infrastructure requirements associated with development and a framework for the collection and expenditure of contributions to ensure the timely delivery of infrastructure.

5.6 Scottish Planning Policy and Advice

5.6.1 National planning policy and advice of relevance to the determination of the Proposed Development currently comprises, primarily, the National Planning Framework for Scotland 3 (2014), SPP (2014) and the Scottish Government Website Policy Subject Guidance – Onshore Wind Turbines (last updated 28 May 2014). All of these are material considerations in the determination of the application.

The National Planning Framework for Scotland 3 (NPF3)

5.6.2 National Planning Framework 3 for Scotland (NPF3), published in June 2014 (Scottish Government 2014a), represents a spatial expression of the Scottish Government's aspirations for sustainable

economic growth in Scotland over the next 20-30 years. It sets out at the national level, the Scottish Government's strategy for economic development, regeneration, energy, environment, climate change, transport and digital infrastructure, and includes developments identified as schemes of national importance. Whilst it is not prescriptive, NPF3 will form a material consideration when determining applications and, as such, will be a consideration in determining the application for the Proposed Development.

- 5.6.3 The development of onshore wind is supported in NPF3. Paragraph 3.23 highlights wind energy's continued role in contributing towards a low carbon economy and states, *"onshore wind will continue to make a significant contribution to diversification of energy supplies"*. In addition, paragraph 3.7 recognises that onshore wind development can be an opportunity to improve the long-term resilience of rural communities.

Scottish Planning Policy (SPP)

- 5.6.4 SPP was published in June 2014 and is a statement of Scottish Government policy on land use planning (Scottish Government, 2014b). SPP emphasises the importance of tackling climate change and, in particular, addresses the continuing need to reduce greenhouse gas emissions and to develop renewable energy projects. SPP forms a material consideration when determining the application for the Proposed Development. The following paragraphs set out the policy issues which are most relevant to the Proposed Development.

SPP - Sustainable Development and Climate Change

- 5.6.5 One of the over-arching aims of SPP is to achieve Sustainable Development. In its overview of principal policies, SPP states in paragraph 25 that *"achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits"*. The SPP emphasises as a 'policy principle' that there is a presumption in favour of development that contributes towards sustainable development.
- 5.6.6 The presumption is an important element of SPP and is discussed in greater depth in the Planning Statement. In summary, SPP paragraph 33 makes it clear that where the Development Plan is over five years old *"the presumption in favour of development that contributes to sustainable development will be a significant material consideration"*. In this case, paragraph 33 of SPP is engaged as the HwLDP (2012) is over five years old.
- 5.6.7 The approach to applying the presumption in decision making terms has been considered in a number of planning appeals and inquiries, with one of the most helpful approaches being set out in the Reporter's report into the proposed Section 36 Caplich Wind Farm (DPEA reference WIN-270-7). That approach and its application to the Proposed Development are discussed further in the accompanying Planning Statement. In summary, however, the presumption is considered to apply in this case, and it must be given *"significant"* weight in assessing the application. Crucially, following the approach set out in the Caplich case, it is considered that a *"tilted balance"* in favour of the Proposed Development should apply in this case, because of the age of the Local Development Plan.
- 5.6.8 Between July and October 2020, the Scottish Government carried out a consultation exercise in relation to 'Scottish Planning Policy and housing: proposed policy amendments; consultation'. Within the paper, the Scottish Government proposed the removal of the presumption from SPP amongst other housing related changes.
- 5.6.9 However, within the 'Consultation on Housing and SPP: Chief Planner letter published on 4 September 2020' (Scottish Government, 2020), the Chief Planner advised that *"it is important to clarify that no final decisions have been made on a change to existing policy. Any such change will be informed by the consultation and we encourage all stakeholders to respond. Until then the existing policy remains in place"*.

- 5.6.10 Paragraph 28 states that *“The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term”*.
- 5.6.11 Paragraph 29 sets out that policies and decisions should be guided by certain principles, the first of these is *“giving due weight to net economic benefit”*.
- 5.6.12 In relation to climate change, paragraph 19 reinforces the role that the planning system can play in helping to ameliorate adverse climatic effects and realise national targets and states, *“by seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change”*.
- SPP - Renewable Energy**
- 5.6.13 Paragraph 154 states that the planning system should *“support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving:*
- *30% of overall energy demand from renewable sources by 2020;*
 - *11% of heat demand from renewable sources by 2020; and*
 - *the equivalent of 100% of electricity demand from renewable sources by 2020”*.
- 5.6.14 Paragraph 154 goes on to state that the planning system *“should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity...”*.
- 5.6.15 In order to achieve this, paragraph 155 states that Development Plans *“should seek to ensure an area’s full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations”*.
- 5.6.16 In relation to onshore wind, paragraph 161 states that *“planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore windfarms as a guide for developers and communities...Development plans should indicate the minimum scale of onshore wind development that their spatial framework is intended to apply to”*.
- 5.6.17 Table 1 of SPP establishes the Spatial Framework for onshore wind farms based on the following groupings:
- Group 1: Areas where wind farms will not be acceptable (National Parks and National Scenic Areas);
 - Group 2: Areas of Significant Protection (National and international designations, other nationally important mapped environment interests including areas of wild land) and a 2km community separation distance for consideration of visual impact;
 - Group 3: Areas with potential for wind farm development.
- 5.6.18 Figure 5.1 shows the location of the site relative to the Spatial Framework. As discussed, the site is located within a Group 2 area, due to the mapped presence of Carbon Rich Soils, Deep Peat and Priority Peatland Habitat. There is no blanket ban on wind farm development in Group 2 areas. SPP makes it clear that the key test in considering Group 2 interests is whether *“any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation”*.
- 5.6.19 Paragraph 169 stipulates that proposals for energy infrastructure should always take account of spatial frameworks for wind farms, where relevant. A number of key criteria for the consideration of energy infrastructure proposals accompanies paragraph 169 including socio-economic impacts, scale of contribution to renewable energy targets, cumulative impacts, and many technical and

environmental impacts to be considered, for example, landscape, historic environment and natural heritage. These policy criteria are considered in depth in the accompanying Planning Statement.

SPP - Valuing the Natural Environment

- 5.6.20 The policy principles for this subject matter are set out in paragraph 194 of the SPP. This states that the planning system should *“facilitate positive change while maintaining and enhancing distinctive landscape character...conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities”*.
- 5.6.21 Paragraph 196 states that *“International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans. Reasons for local designation should be clearly explained and their function and continuing relevance considered when preparing plans. Buffer zones should not be established around areas designated for their natural heritage importance. Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations”*.

SPP – Valuing the Historic Environment

- 5.6.22 Paragraph 135 states that *“Planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places which enrich our lives, contribute to our sense of identity and are an important resource for our tourism and leisure”*. Paragraph 137 goes on to state that the planning system should, *“promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning”*.

SPP - Community Benefit

- 5.6.23 SPP realises the benefits of developer contributions to local communities and states in paragraph 173 that *“Where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments”*.

SPP - Rural Development

- 5.6.24 The SPP places emphasis on supporting sustainable economic growth within rural areas.
- 5.6.25 Paragraph 75 states that the planning system should *“encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality”*.

SPP – Economic Benefits

- 5.6.26 Paragraph 93 sets out that the planning system should *“give due weight to net economic benefit of proposed development”*.

SPP – Flooding and Drainage

- 5.6.27 Paragraph 255 of SPP sets out the policy principles regarding planning and flooding. These include adopting a precautionary approach to flood risk, avoiding flooding and avoiding increased surface water runoff in developments through the use of Sustainable Drainage Systems (SuDS).
- 5.6.28 Paragraph 256 advises that *“the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere”*.

Scottish Government Web Based Renewables Planning Advice

- 5.6.29 In February 2011, PAN 45 Renewable Energy Technologies was superseded by Scottish Government online renewables planning advice (Scottish Government, 2011). Of particular relevance is the ‘Onshore Wind Turbines’ advice document (Scottish Government, 2014c).
- 5.6.30 The advice (last updated in May 2014) is of some age but outlines a number of typical planning considerations in determining planning applications for onshore wind turbine developments. These include impacts on the landscape, on wildlife and habitat, ecosystems and biodiversity and on communities, including shadow flicker, noise, electro-magnetic interference, and ice throw.

5.7 Other Material Considerations

Highland Council Assessment of Highland Special Landscape Areas 2011

- 5.7.1 The Assessment of Highland Special Landscape Areas was published in June 2011 (The Highland Council, 2011) and contains maps and citations for the Special Landscape Areas (SLA) within THC area. The nearest Special Landscape Area (SLA) is Ben Klibreck and Loch Choire SLA. Policy protection for SLAs is provided by Policy 61 ‘Landscape’ of the HwLDP. This document is considered further in the Landscape and Visual Impact Assessment Chapter.

Scottish Government Planning Advice Notes

- 5.7.2 Where relevant, each of the technical and environmental chapters of this EIA Report discuss Scottish Government Planning Advice Notes (PANs). The list below simply identifies those PANs of potential relevance to the Proposed Development: -
- Planning Advice Note 1/2013 (Revision 1.0 2017) - Environmental Impact Assessment (Scottish Government, 2017b);
 - Planning Advice Note 2/2011 - Planning and Archaeology (Scottish Government, July 2011a);
 - Planning Advice Note 1/2011 – Planning and Noise (Scottish, Government, March 2011b);
 - Planning Advice Note 3/2010 – Community Engagement (Scottish Government, August 2010);
 - Planning Advice Note 51 – Planning, Environmental Protection and Regulations (Scottish Government, Revised 2006);
 - Planning Advice Note 61 – Planning and Sustainable Urban Drainage Systems (Scottish Government July 2001);
 - Planning Advice Note 77 – Planning for Transport (Scottish Government, August 2005); and
 - Planning Advice Note 60 – Planning for Nature Heritage (Scottish Government, 2000, updated 2008).

5.8 International Climate Change and Energy Policy

- 5.8.1 As of 31 January 2020, the UK stopped being a member of the EU. At the time of writing there is a transitional period until the end of 2020, during which time the UK remains bound by EU rules, including the aforementioned renewable targets. After the end of the transitional period, Section 2 of the European Union (Withdrawal) Act 2018 (as amended) provides that all EU derived domestic legislation continues to have effect after exit day. The enhanced renewable energy targets set at the end of 2018 therefore remain relevant to and supportive of the case for the Proposed Development.

- 5.8.2 EU legislation and policy which is filtered down into UK policy is, in turn, driven by international co-operation to cut greenhouse gas emissions, through the United Nations Framework Convention on Climate Change (UNFCCC). This includes the ‘Kyoto Protocol’ (United Nations, 1998), which became a legally binding treaty on 16 February 2005, and the ‘Paris Agreement’ (United Nations, 2016), established through the 21st session of the Conference of Parties (‘COP 21’). Ratified in the UK on 17 November 2016, the Paris Agreement sets out the ambition of holding the increase of global average temperature to “*well below 2°C*” and pursuing efforts to limit temperature increase to 1.5°C.
- 5.8.3 In October 2014, the Heads of Government of the EU agreed to adopt a new European Climate and Energy Policy (European Commission, 2014). By 2030, this requires at least a 40% cut in greenhouse gas emissions (from 1990 levels), at least a 27% renewable energy share and a 27% improvement in energy efficiency across the EU member states.
- 5.8.4 In November 2016, the European Commission published ‘Clean Energy for all Europeans’ initiative. As part of this package, the Commission adopted a legislative proposal for a recast of the Renewable Energy Directive. In December 2018, the revised renewable energy directive 2018/2001/EU entered into force. In Renewable Energy – Recast to 2030 (RED II), (European Commission, 2018) the overall EU target for Renewable Energy Sources consumption by 2030 has been raised to 32%.
- 5.8.5 The European Commission adopted its European Energy Security Strategy in May 2014 (European Commission, 2014). This sets out the importance of increasing energy generation within the EU (to reduce fuel imports) and in particular that this should focus on renewable energy provision to avoid inflating fuel costs.
- 5.8.6 More recently, in 2018 EU Directive 2018/2001 on the promotion of the use of energy from renewable sources set new targets including: -
- at least a 40% cut in greenhouse gas (GHG) emissions from 1990 levels;
 - a binding target of at least 32% of final energy consumption from renewables, revised upwards from 27%; and
 - a target of at least 32% efficiency to be achieved collectively by the EU in 2030, revised upwards from 27%.

The United Nations Emissions Gap Report 2019

- 5.8.7 For the last decade the United Nations (UN) Gap Report has compared where GHG emissions are heading, against where they need to be, and highlights the best ways to close the gap. The most recent Gap Report was published in November 2019 (United Nations, 2019) and is the tenth such report. The Executive Summary described the findings of the 2019 report as “*bleak*” because “*countries collectively failed to stop the growth in GHG emissions, meaning that deeper and faster cuts are now required*”.
- 5.8.8 The following points are also worthy of particular note from the Gap Report: -
- fossil fuel emissions from energy use and industry, which dominate total GHG emissions, grew 2% in 2018;
 - there is no sign of GHG emissions peaking in the next few years;
 - G20 members account for 78% of global GHG emissions;
 - the emissions gap is “*large*” and a “*dramatic strengthening*” of national contributions in 2020 to GHG reductions are required - countries must increase their ambitions more *than “fivefold to achieve the 1.5° C goal*”.
 - renewables and energy efficiency, in combination with electrification of end uses are key to a successful energy transition and to driving down energy related CO₂ emissions; and

- enhanced action by G20 members will be essential for the global mitigation effort.

5.9 UK Climate Change and Energy Policy

5.9.1 Energy policy in Scotland is a matter that is specifically reserved to the UK Parliament. However, as the following paragraphs note, the Scottish Government has published several of its own energy policy and strategy documents that apply to Scotland only and these are material to the determination of this application. This point was specifically addressed by the Reporter in the Corlic Hill Wind Farm decision (PPA-280-2022) (Scottish Government, 2016). In discussing the relationship between UK Government and Scottish Government policies he noted in paragraph 25 that: -

“...although energy policy is a reserved matter, climate change and planning policy are not....therefore while I have had regard to UK energy policy and to the evidence of performance against binding European targets, I have also had regard to Scottish climate change and planning policy and Scottish targets..”.

5.9.2 The UK ratified the UN Paris Agreement in November 2016 and therefore contributes to the framework to ensure that global warming is kept well below 2°C, pursuing efforts to limit the temperature increase to 1.5°C. The importance of the UN Paris Agreement, and its integral part of UK Government policy, has been made very clear by the recent Court of Appeal Decision on the challenge to the building of a new runway at Heathrow (Court of Appeal, 2020).

5.9.3 A key component of that case, from February 2020, was a challenge to the Airports National Policy Statement (ANPS), a national policy statement prepared under the Planning Act 2008 (HM Government 2008) by the Secretary of State for Transport in June 2018. The ANPS provided the policy framework for expansion at Heathrow and the primary basis for decision making on any development consent application for a new runway.

5.9.4 One of the challenges to the ANPS was the extent to which it took account of the Government’s policy relating to the mitigation of, and adaptation to, climate change. The Court of Appeal decision concluded that the Paris Agreement ought to have been taken into account in the preparation of the ANPS and that the Government’s commitment to the Paris Agreement *“was clearly part of Government policy by the time of designation of the ANPS”* (para.228 of the Court of Appeal Decision). The Court of Appeal decision continued in paragraph 283 and stated that: -

“The Paris Agreement ought to have been taken into account by the Secretary of State in the preparation of the ANPS but was not. What this means, in effect, is that the Government when it published the ANPS had not taken into account its own firm policy commitments on climate change under the Paris Agreement”.

5.9.5 The Court of Appeal decision has relevance for other decisions and projects as, crucially, it confirms that the Paris Agreement and the commitments contained therein, form part of UK Government policy. The commitment to reducing global warming in order to tackle climate change is considered to be a *“firm policy commitment”* and must be given significant weight in the assessment of this application.

Climate Change Act 2008

5.9.6 The Climate Change Act became law on 26 November 2008 (HM Government, 2008) and introduced a legally binding target for the UK to reduce CO₂ emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce emissions in Scotland would contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

Net Zero: The UK’s Contribution to Stopping Global Warming

5.9.7 The Committee on Climate Change (CCC) was commissioned by the Governments of the UK, Scotland and Wales to provide updated advice on the emissions targets set by the Climate Change Act 2008, including the possibility of setting a new ‘net zero’ target. The CCC published its report in May 2019 (Committee on Climate Change, 2019) and concluded that achieving net zero greenhouse

gas emissions across the UK (as opposed to an 80% reduction) by 2050 is “*necessary, feasible and cost-effective*”. It recommended that the UK should legislate as soon as possible for net zero emissions and reflecting circumstances in Scotland, the CCC recommended that Scotland should set a net zero target for 2045.

- 5.9.8 The CCC concluded that the current policy framework is insufficient to meet the existing 2050 targets and “*a major ramp up in policy effort is now required*”. Achievement of a new net zero target by 2050 would also ensure that the UK fully meets its obligations under the Paris Agreement, (Executive Summary, page 11).
- 5.9.9 In Chapter 3 of the report, the CCC notes that “*a large-scale shift in investment towards low-carbon technologies is needed and emissions need to stop rising and to start reducing rapidly*”.
- 5.9.10 Chapter 3 of the report notes that “*decarbonisation of energy supply*” is a key strand of efforts required to achieve goals and that key to this “*is a very rapid phase-out of unabated coal and widespread electrification of energy demand, alongside a widespread and rapid roll out of renewable and other low carbon power sources*” (underlying added).

The Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 5.9.11 Shortly after publication of the CCC Report in May 2019, the UK Government amended the Climate Change Act 2008 in June 2019 (HM Government, 2019) to amend the GHG reduction targets for the UK, reflecting the recommendations set out in the CCC Report. The Climate Change Act 2008 (2050 Target Amendment) Order 2019 amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050). The previous target set by the 2008 Act was for GHG emissions to be 80% lower than 1990 levels by the same date. This decision is notable not only because of the legislative commitment to net-zero, but because the UK became the first G7 nation to set such a goal.

Reducing UK emissions – 2020 Progress Report to Parliament

- 5.9.12 The above report was published in July 2020 (Committee on Climate Change, 2020a) by the CCC. The Executive Summary within the report states that, “*the months ahead have huge significance. The steps that the UK takes to rebuild from the COVID-19 pandemic and its economic damage can also accelerate the transition to low-carbon activities and improve our climate resilience. Climate investments can also support the economic recovery and secure good jobs for the long term, while taking advantage of low interest rates*”
- 5.9.13 The report also states that “*lessons from the COVID-19 crisis on the importance of planning for systemic risks also apply to our preparations for climate change itself. The Committee has already highlighted a dearth of climate adaptation planning in government. This is a moment to confront the range of climate risks that face the UK, including flooding, over-heating and water shortages, with realistic planning for the inevitable temperature rises ahead*”.
- 5.9.14 With regards to reaching net-zero emissions, Chapter 1: ‘A review of the climate challenges after COVID-19’ in the report states that reaching net-zero emissions in the UK will require all energy to be delivered to consumers in zero-carbon forms including electricity and to come from low carbon sources such as renewables. The Executive Summary states that “*next year the UK will host the rescheduled 26th ‘Conference of the Parties’ climate summit (COP26). 2021 will also see the UK hold the presidency of the G7. The year ahead is a critical moment for global progress on climate change and a major test of global cooperation more generally after COVID-19*”.

5.10 Scottish Climate Change and Energy Policy

- 5.10.1 Like the UK Government, Scotland too has legislated to achieve net-zero carbon emissions. In October 2019, The Climate Change (Emissions Reduction Targets) (Scotland) Bill received Royal Assent. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 builds on a number of energy policy documents that recognise the Scottish Government’s commitment to tackling climate change and promoting the growth of renewable energy, as discussed below.

- 5.10.2 The Scottish Government has published a number of climate change and energy policy documents and its own targets. The relevant Scottish legislation, policy and reports include the following:
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Scottish Government, 2019b);
 - The Climate Change (Scotland) Act 2009 (Scottish Government, 2009);
 - Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021 (Scottish Government, 2020b);
 - Reducing Emissions in Scotland – 2020 Progress Report to the Scottish Parliament (Committee on Climate Change 2020);
 - The Scottish Climate Change Plan (February 2018) (Scottish Government, 2018);
 - The Scottish Energy Strategy (December 2017) (Scottish Government, 2017c);
 - The Onshore Wind Policy Statement (December 2017) (Scottish Government, 2017d); and

5.10.3 These are introduced and discussed below.

Climate Change (Emissions Reduction Targets) (Scotland) Act (2019)

5.10.4 The Climate Change (Emissions Reduction Targets) Bill received Royal Assent on 31st October 2019. The Climate Change (Emissions Reduction Targets) Act 2019 (Climate Change Act 2019) introduces even more ambitious targets than those contained in the Climate Change (Scotland) Act 2009. It commits Scotland to becoming a net-zero society by 2045 (5 years earlier than the rest of the UK). By introducing the Act, Scotland became one of the first countries to legislate support for the aims of the Paris Agreement.

5.10.5 The Climate Change Act 2019 seeks to amend only those parts of the Climate Change (Scotland) Act (2009) that relate to emission reduction targets and associated reporting duties. The detailed proposals and policies for delivering against targets are to be set out in the current and future Climate Change Plans.

5.10.6 The Climate Change Act 2019 sets a target date of 2045 for reaching net-zero emissions. The Climate Change Act 2019 also introduces interim targets and states that the Scottish Ministers must ensure that the net Scottish emissions account for the year:

- 2020 is at least 56% lower than the baseline;
- 2030 is at least 75% lower than the baseline; and
- 2040 is at least 90% lower than the baseline.

Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021

5.10.7 On the 1st September 2020, the Scottish Government published 'Protecting Scotland, Renewing Scotland: The Government's Programme for Scotland 2020-2021' (Scottish Government, 2020). The Programme was introduced amidst the ongoing Covid pandemic and much of the focus of the Programme is on the response to the challenges presented by this virus. The Introduction from the Scottish Minister within the Programme states that the Scottish Government have already made commitments to deliver a net zero society and that *"this Programme for Government is based on our strong belief that in recovering from this virus it must not be business as usual. We must use this moment to make significant advances to deliver the fairer, greener, more prosperous Scotland we all want to see"*.

5.10.8 With regards to economic recovery, the Scottish Minister states within the Programme that, *'of course, our economic recovery must be a green recovery. Even before the pandemic, we knew we*

had significant work to do in order to improve the state of nature and meet our statutory commitment to be a net zero society by 2045. The impacts of the crisis have reinforced the need for that, but also the opportunities it presents. This Programme sets out the next phase of our Green New Deal announced in 2019. We will take forward ambitious commitments to transform how we heat our homes; giving us the opportunity to meet our climate and environment ambitions, whilst building a better economy and creating jobs’.

- 5.10.9 Within the Executive Summary, the Scottish Government advises that, ‘our commitment to addressing the twin challenges of biodiversity loss and climate change remains unwavering throughout, and delivering a green recovery is at the heart of our response’. The Scottish Government will update the Climate Change Plan, ensuring it reflects the new starting point and the central importance of a green recovery to Scotland’s progress and the Climate Change Plan will be published before the end of 2020.

Reducing Emissions in Scotland – 2020 Progress Report to the Scottish Parliament (2020)

- 5.10.10 Published on 7th October 2020, the 2020 Progress Report to the Scottish Parliament (Committee on Climate Change, 2020b) assesses Scotland’s overall progress in achieving its legislated targets to reduce greenhouse gas emissions. While there was a reduction in greenhouse gas emissions of 31% between 2008 and 2018, there was a 2% increase in greenhouse gas emissions in 2018 compared to a 3% reduction in 2017. The Report considers the actions required over the next decade and beyond to help achieve the net zero target by 2045. It notes that the net zero target “requires a strategic shift in climate policy” and that the 75% reduction in emissions by 2030 “will likely be even more challenging to achieve” (page 25).
- 5.10.11 The Report notes that there has been almost full decarbonisation of electricity generation in Scotland over the last decade and that Scotland’s progress on this should be commended (page 25). However, it also cautions that the challenge for low-carbon electricity generation is not complete. The Report considers that Scotland must now capitalise especially on the potential for inexpensive renewable generation by decarbonising other sectors of the economy via electrification, as well as increasing electricity exports to the rest of the GB system.
- 5.10.12 The Report looks at the potential impacts of the Covid-19 pandemic and considers that in the long term Scotland’s climate goals remain unchanged. As such, the need to prepare for climate change and to transition to a net zero economy remains a scientific and economic imperative and provides a positive vision for society. One of the recommendations from the Report of direct relevance to town planning is set out in Tables 1 and 6, which is that the Scottish Government should align the new NPF4 to a net zero system, “enforcing a favourable planning and consenting regime for onshore wind and other renewables in (a) manner that is consistent with other policies on land use, supporting repowering and life extension of existing wind power in Scotland”.
- 5.10.13 Under the heading ‘Embedding net zero and adaptation as core Scottish Government objectives’, the Report notes that “increasingly, **all policy and infrastructure decisions** will need to be checked against their consistency with the net zero target and the need to adapt to the impacts of climate change”. This recommendation is of direct relevance to decision making on individual planning applications and there is a note of concern in the Report that “climate adaptation is not given enough attention in local plans, despite significant local powers to improve adaptation” (page 128). These are issues that are explored further in the accompanying Planning Statement.

Climate Change Plan (2018)

- 5.10.14 The most recent version of the Scottish Government’s Climate Change Plan was produced in 2018 and covers the period to 2032. The Scottish Government had intended to update the Plan at the end of April 2020 to take account of the new net zero target, as discussed above. However, due to the Coronavirus outbreak, the decision was taken to delay this publication.

- 5.10.15 The vision of the 2018 Climate Change Plan (CCP) sets out that *“By 2032, Scotland’s electricity system will supply a growing share of Scotland’s energy needs and by 2030, 50% of all Scotland’s energy needs will come from renewables”*. With regard to electricity generation, it sets a target of 100% of electricity to be generated from renewables by 2020.
- 5.10.16 The CCP includes two specific policy outcomes in relation to electricity generation, as follows:
- Policy outcome 1: From 2020 onwards, Scotland’s electricity grid intensity will be below 50 grams of CO₂ per kilowatt hour. The system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies.
 - Policy outcome 2: Scotland’s energy supply is secure and flexible, with a system robust against fluctuations and interruptions to supply.
- 5.10.17 Implementation indicators for policy outcomes 1 and 2 are:
- Increase amount of electricity generated from renewable sources in Scotland.
 - Increase the installed capacity of sites generating electricity from renewable sources in Scotland. By 2030, it is expected that the installed capacity of renewable electricity generation sources will be between 12GW and 17GW.
 - Increase total community and locally owned renewable energy capacity operational, and in development, in Scotland.
 - Increase total renewable capacity in Scotland by planning stage.
 - Increase the share of electricity generated from renewable sources, as a proportion of total electricity generated in Scotland.
- 5.10.18 The CCP sets out the collaborative approach to be taken to providing renewable energy generation, involving public, private and voluntary sectors. Particularly, the need for local authorities to provide leadership in the delivery of the CCP is stated at page 32.

Onshore Wind Policy Statement (2017)

- 5.10.19 The Onshore Wind Policy Statement along with the Scottish Energy Strategy was published in December 2017, providing specific national policy with regards to onshore wind. The Ministerial Foreword sets out that *“There is no question that onshore wind is a vital component of the huge industrial opportunity that renewables more generally create for Scotland. The sector supports an estimated 7,500 jobs in Scotland, or 58% of the total for onshore wind across the UK and generated more than £3 billion in turnover in 2015. Developers are increasingly managing international onshore wind projects from their bases in Scotland”* (page 2).
- 5.10.20 It further adds that *“Our energy and climate change goals mean that onshore wind will continue to play a vital role in Scotland’s future – helping to substantively decarbonise our electricity supplies, heat and transport systems, thereby boosting our economy, and meeting local and national demand. This important role means we must support development in the right places, and – increasingly – the extension and replacement of existing sites, where acceptable, with new and larger turbines, based on an appropriate, case by case assessment of their effects and impacts”* (page 3).
- 5.10.21 The section of the report ‘Route to Market’ sets out that *“In order for onshore wind to play its vital role in meeting Scotland’s energy needs, and a material role in growing our economy, its contribution must continue to grow. Onshore wind generation will remain crucial in terms of our goals for a decarbonised energy system, helping to meet the greater demand from our heat and transport sectors, as well as making further progress towards the ambitious renewable targets which the Scottish Government has set”* and *“This means that Scotland will continue to need more onshore wind development and capacity, in locations across our landscapes where it can be accommodated”* (page 6).

- 5.10.22 This section continues, setting out that *“the industrial opportunity, and the extent to which we can continue to capture these benefits, remains a top priority for Scottish Ministers”* (page7).

Scottish Energy Strategy (2017)

- 5.10.23 In December 2017, the Scottish Energy Strategy (SES) was published by the Scottish Government alongside the then Draft CCP and the Onshore Wind Policy Statement.
- 5.10.24 A key goal within the Strategy is that Scotland will become a world leader in renewable and low carbon technologies and services. The Strategy sets out that this ambition will be guided by three core principles:
- a whole system view;
 - an inclusive energy transition; and
 - a smarter local energy model.
- 5.10.25 The Strategy sets out a target for Scotland to achieve almost complete decarbonisation of energy and sets a 2030 ‘all energy’ target for the equivalent of 50% of Scotland’s heat, transport and electricity consumption to be supplied from renewable sources. This vision is also included in the CCP, which is discussed above.
- 5.10.26 The SES sets out on page 35 that *“Scottish Government analysis underpinning this target shows that renewable electricity – which has already outperformed our interim 2015 target of 50% – could rise to over 140% of Scottish electricity consumption, ensuring its contribution to the wider renewable energy target for 2030”,* and that *“This assumes a considerably higher market penetration of renewable electricity than today – requiring in the region of 17 GW of installed capacity in 2030 (compared to 9.5 GW in June 2017) – with greater interconnection with parts of continental Europe providing an expanded market for our electricity”.*
- 5.10.27 The SES includes a second target, which is to achieve an increase by 30% in the productivity of energy use across the Scottish economy, which relates to greater efficiency whilst decoupling energy use from productivity, so that productivity can increase without necessarily requiring greater energy demands.
- 5.10.28 In general terms, onshore wind is also recognised as a key opportunity. The SES sets out that *“Onshore wind is now amongst the lowest cost forms of power generation of any kind and is a vital component of the huge industrial opportunity that renewables create for Scotland. The sector supports an estimated 7,500 jobs in Scotland and generated more than £3 billion in turnover in 2015”.*

5.11 Summary

- 5.11.1 This chapter has summarised the planning and energy policy context for the Proposed Development at an international, national and at a local level. Commentary on relevant climate change and energy legislation, policy and guidance has also been provided.
- 5.11.2 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 sets a target date of 2045 for reaching net-zero emissions in Scotland with associated interim targets, while the Onshore Wind Policy Statement recognises the *“vital role”* that onshore wind energy has to play in Scotland’s electricity supplies. The Paris Agreement and the commitment to holding the increase of global average temperature to *“well below 2°C”* is a *“firm”* Government policy commitment, which must be accorded considerable weight.
- 5.11.3 It has been established that the HwLDP is out of date, being more than 5 years old, and the presumption in favour of development that contributes to sustainable development is therefore a significant material consideration. The Spatial Framework for wind farms outlined in SPP provides an indication of areas where wind energy developments will not be permitted, areas of significant protection and areas where they are likely be permitted subject to consideration of a number of

environmental criteria. The site is located in an area of significant protection in the Council's Spatial Framework.

- 5.11.4 The Scottish Government's declaration of the climate emergency and the net zero target by 2045 are energy policy considerations in support of the Proposed Development. A full assessment of the Proposed Development against the plans, policies and strategies identified in this chapter is contained within the Planning Statement that accompanies the planning application.

5.12 References

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